

Atty Docket No.: R0149B-REG
USSN: 10/791,578

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AUG 15 2006

REMARKS

Claims 1, 2, 6, 8-13, 15, 16, 28, 29, 31-33 and 36 are pending in the above-identified patent application. Claims 1, 10, 31, 33 and 36 are amended herein. Claims 14, 28, 34 and 35 are canceled. No new matter is introduced, and Applicants' amended claims are fully supported by Applicants' specification.

1. Method Claims

The Examiner indicated that there would be no objection to a method of use claim directed to "enhancing cognitive memory in Alzheimer's patients" (see paragraphs 3 and 84 of Applicants' specification). Applicants have canceled method claims 34 and 35 and amended claim 33 to recite more particularly "A method for enhancing cognitive memory in an Alzheimer's patient".

The Examiner also indicated that claim 36 could be rejoined upon allowance of elected subject matter. Applicants have amended claim 36 to delete the extraneous "f" appearing in the formula, and to re-present the formula with increased font size as recommended by the Examiner.

2. Rejection of Claims Under 35 USC §112, Second Paragraph

Claims 14, 28 and 29 were rejected under 35 USC §112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner noted that claim 14 no longer limits the scope of claim 1 as previously amended, and that claims 28 and 29 were substantially identical in scope. Applicants have accordingly canceled claims 14 and 28.

3. Rejection of Claims Under 35 USC §112, First Paragraph

The Examiner rejected claims 1, 2, 6, 8, 9, 11-16, 28, 29 and 32 under 35 USC §112, first paragraph for failing to comply with the enablement requirement. The Examiner indicated that, while Applicants have amended the claims to address this rejection, that the scope of R2 is still not adequately enabled. In particular, the Examiner noted that: (1) Applicants' definition of "aryl" entails not only phenyl and naphthyl, but

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numerous other polyfused carbocyclics, and (2) the nature of substituents thereon was virtually non-limiting.

Applicants have amended claim 1 to more particularly recite that the variable R2 is "phenyl or naphthyl optionally substituted with halo, alkoxy, haloalkyl, alkyl, alkylsulfonyl, -C(O)-NH₂ or -NH-C(O)-NH₂". The recited values for R2 as amended are limited to phenyl and naphthyl with exemplified substituents (please see Table 1 of Applicants' specification. Accordingly, Applicants believe that amended claim 1 and its dependend claims meet the criteria of 35 USC §112 first paragraph.

4. Claim Objections

Claim 31 was subject to objection under 35 USC §1.75(c) as being of improper dependent form. The Examiner noted that the last entry in this claim recited a heteroaryl (previously deleted from claim 1), and that the second and fourth last entries were not clearly within the ambit of claim 1. The Examiner recommended making claim 31 independent. Applicants have amended claim 31 to place it in independent form and to delete the last entry in claim 31, which represents non-elected "heteroaryl" subject matter.

Claim 10 was objected to as being dependent upon a rejected base claim, but would otherwise be allowable if re-written in independent form. In view of Applicants amendment of base claim 1, Applicants believe that claim 10 is now allowable. Claim 10 has been amended to correct the typo "pheny" noted by the Examiner.

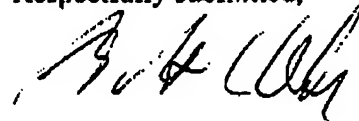
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CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully believe that all claims pending in the above-identified case are now in condition for allowance. Applicants respectfully request that this Amendment after Final be accepted. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

No fees should be due. However, in the event it is determined that a fee is due, please charge same to Deposit Account No. 18-1700.

Respectfully submitted,



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